

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OPAL INEZ COX,

Defendant.

CR-20-63-GF-BMM

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on October 6, 2020. (Doc. 19). Defendant Opel Inez Cox (“Cox”) entered a plea of guilty to one count of Conspiracy to Possess with Intent to Distribute Methamphetamine in violation of 21 U.S.C. § 846, and one count of Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c)(1)(A)(i). (Docs. 6, 19). Judge Johnston entered Findings and Recommendations the same day. (Doc. 19).

Judge Johnston determined the following: (1) Cox is fully competent and capable of entering an informed and voluntary plea to both the crimes charged and the forfeiture allegation; (2) Cox is aware of the nature of the charges against her and the consequences of those charges; (3) Cox understands the forfeiture

allegations and the consequences of admitting to those allegations; (4) Cox fully understands her constitutional rights, and the extent to which she is waiving those rights by pleading guilty to the crimes charged and admitting to the forfeiture allegations; (5) Cox knowingly and voluntarily entered a guilty plea to the criminal charges and admitted to the forfeiture allegations; and (6) Cox's guilty plea and forfeiture admission are supported by independent factual grounds sufficient to prove each essential element of the criminal charges and the legal basis for the forfeiture. (Doc. 19 at 1-2). Judge Johnston further concluded that Cox had adequate time to review the Plea Agreement with counsel, that Cox fully understands each and every provision of the Agreement, and that all of the statements in the Plea Agreement are true. (Doc. 19 at 2).

Judge Johnston recommended that this Court accept Cox's plea of guilty to Counts I and III and dismiss Counts II and IV of the Indictment. (Doc. 19 at 2-3). Neither party filed objections to Judge Johnston's Findings and Recommendations.

Given that no objections were filed, the Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED:**

1. Cox's Motion to Change Plea (Doc. 9) is **GRANTED**.
2. The Court defers acceptance of the Plea Agreement (Doc. 6) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

Dated this 28th day of October, 2020.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court